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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,402	09/25/2003	Mark S. Kempisty	MATP-647US	8069
23122	7590	04/25/2008		
RATNERPRESTIA			EXAMINER	
P O BOX 980			LUONG, ALAN H	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			2623	
			MAIL DATE	DELIVERY MODE
			04/25/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/671,402

**Applicant(s)**

KEMPISTY, MARK S.

**Examiner**

ALAN LUONG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Art unit is changed into 2623

#### ***Response to Amendment***

This Office Action is responsive to the Amendment filed on Jan. 22, 2008.

Claims 1, 3-14 and 20 have been amended and claims 21-22 have been newly added. It is submitted that no new matter has been added. Therefore, claims 1-22 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2001/0056577 A1 published by Gordon et al., in view of Allport (US Pub. No. 2004/0055007 A1).

**Regarding to claims 1, 14:** Gordon teaches an electronic program guide apparatus (IEPG 100 of Fig.1) capable of receiving an electronic program guide signal and generating for display on a display device (DISP of Fig. 4) a grid pattern (100 of Fig. 1) containing program cells (150) having associated program lengths from the electronic program guide signal, the grid including one or more rows (130) and a plurality of

columns (125); **see Gordon ; Fig. 1; para.[0033]**), the electronic program guide controller comprising:

a controller (270) that is configured to receive the electronic program guide signal (see Fig. 2; para.[0042] to [0047],and generate the grid pattern (100 of Fig. 1) from the electronic program guide signal (**see Gordon , para.[0043] , [0044] and [0046]**),

an on-screen display processor (260) coupled between the controller (270) and the display device (DISP of Fig. 4), the on-screen display processor (260) being configured to provide the generated grid pattern as a video signal (VOSD) to the display device (DISP of Fig. 4).(also see **Fig. 2, para. [0046]**).

Gordon fails to teach the controller receives instructions to select one of at least two time shift modes, shifting the grid pattern time focus responsive to user shift instructions in accordance with the selected one of the at least two time shift modes .

Allport ; the same endeavor, teaches the EPG grid receives instructions to select one of at least two time shift modes shifting the grid pattern time focus responsive to user shift instructions (**Allport , Figs. 1-5, para. [0010] to [0021]**, in accordance with the selected one time shift mode (an underlying logical grid of equal-sized cells of 30 minutes can be used to constrain the motion of the active cell as a column time shift mode (**Allport , Figs. 1-3; para. [0020]**)). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify time shift mode as taught by

Allport with an EPG device of Gordon; in order to allow user to navigate EPG grid in horizontal or vertical predictable scrolling direction.

**Regarding to claims 2-5, 17-20:** Allport further discloses the at least two time shift modes (column time shift mode (**Figs. 2, 3, para.[0020]**); program cell time shift mode (**Figs. 3, 4, para.[0021]**) and user-defined time shift mode(**para.[0039] to para.[0045]** ), include at least two time shift modes selected from a group of time shift modes consisting of a column time shift mode (**Allport Fig. 9, para.[0031]** ), a program cell time shift mode (**Allport Fig. 15, 19, 20, para.[0096]** ) and a user defined time period shift mode (a move right input command; **Allport ,Figs. 11, 12,17, 18, para.[0106] to para.[0113]** and a move left input command; **Figs. 13, 14, 21, 22, para.[0116] to para.[0120]** ).

**Regarding to claims 6-9:** Gordon and Allport disclose all claim limitation wherein the method is implemented using the "system" and corresponding "devices" of Gordon; see discussion in claims 1- 5 above.

**Regarding to claims 10-13, 22:** Gordon and Allport disclose all claim limitation; (see **Allport, para.[0123]** and discussion in claims 1- 5 above).

**Regarding to claim 15:** Gordon also teaches the apparatus of claim 14, further comprising:

a transport decoder (230) coupled to the controller (270) (**Figs. 2, para. [0043]**), the transport decoder configured to receive the electronic program guide and pass the received electronic program guide (100 of Fig. 1) to the controller (**Figs. 2, 3 para. [0051] to [0054]**).

**Regarding to claim 16:** Gordon also teaches the apparatus of claim 15, further comprising:

a display device (coupled to compositor 290 of Fig. 2) is coupled to the on-screen display processor (260 of Fig. 2) configured to display the video signal (VOSD of Fig. 2; between OSD 260 and compositor 290); **see Gordon , para.[0046] , [0053] to [0054])**

**Regarding to claim 21:** (New) Allport also discloses each row corresponds to a program channel (channel TNNP 71, Channel TOONP 73), each column represents a defined period of time (underlying logical grid of equal-sized cell with 30 minute width; 6:30pm to 7:30pm cell of Program "Batman Beyond" on Channel TOONP 73), and program cells with lengths exceeding the predefined period of time span multiple columns (Since program durations may exceed the cell size of the underlying equal-cell-sized logical grid, it may require multiple left inputs to move across a single program cell. (Program "Fame for 15 on Channel TNNP 71); **See Fig. 2, para. [0003], [0007]).**

### ***Response to Arguments***

Applicant's arguments filed Jan. 22, 2008; with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/  
Examiner, Art Unit 2623

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623